

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Chris Martin,

Plaintiff,

v.

**Cleveland City Council and Cleveland
City Council President Blaine Griffin**
(in his official and individual capacities),

Defendants.

Case No. 1:23-cv-02312

Judge Charles Esque Fleming

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Upon consideration of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, the Court finds that Plaintiff has demonstrated a need for a injunctive relief in this case. *Bays v. City of Fairborn*, 668 F.3d 814, 818-19 (6th Cir. 2012), citing *Certified Restoration Dry Cleaning Network, LLC v. Tenke Corp.*, 511 F.3d 535, 542 (6th Cir. 2007); *See also Hamilton's Bogarts, Inc. v. Michigan*, 501 F.3d 644, 649 (6th Cir.2007)

Accordingly, it is hereby ORDERED that, pending further direction from the Court, Defendants and all their respective officers, agents, servants, employees, attorneys and persons acting in concert or participation with them are:

1. Enjoined and restrained from unconstitutionally censoring Plaintiff's speech during any future public comment period;
2. Enjoined and restrained from enforcing their unconstitutional viewpoint-based public comment policies, including but not limited to:

- a. Those that prohibit “indecent or discriminatory” language;
 - b. Those that prohibit “electioneering for any candidate or any specific ballot issue;”
 - c. Those that prohibit “endors[ing] or promot[ing] any product or service;”
 - d. Those that, when applied, prohibit “address[ing] any individual council member or other person;”
3. Enjoined and restrained from enforcing their unconstitutional content-based public comment policies, including but not limited to:
 - a. Those that prohibit “address[ing] any individual council member or other person;”
4. Enjoined and restrained from enforcing any other policy (written or unwritten) that is so vague that it fails to provide a subjectively workable standard for the public to evaluate whether or not particular speech is permitted on a viewpoint-neutral basis, including but not limited to:
 - a. Those policies that prohibit “indecent or discriminatory language;”
 - b. Those policies that prohibit speakers from wearing “anything that promotes any candidate, campaign, issue, product, or service” which “includes but is not limited to visible logos, slogans, messages, words;”
5. Enjoined and restrained from enforcing any other policy (written or unwritten) that is overbroad, including but not limited to:
 - a. Those policies that prohibit “indecent or discriminatory language;”
 - b. Those policies that prohibit “electioneering for any candidate or any

specific ballot issue;"

- c. Those policies that prohibit "endors[ing] or promot[ing] any product or service;"
 - d. Those policies that prohibit speakers from wearing "anything that promotes any candidate, campaign, issue, product, or service" which "includes but is not limited to visible logos, slogans, messages, words;"
 - e. Those policies that prohibit "Signs, posters, banners, placards and similar items" in the Council Chamber.
6. Enjoined and restrained from using their discretion to enforce any policies (written or unwritten) in a viewpoint discriminatory manner.
7. To show cause why this Court should not enter a preliminary injunction extending this temporary relief pending an adjudication on the merits.

This Court has exercised its discretion that no bond shall be required and that this Order shall be effective immediately.

Dated:_____ Signed:_____

Presented on December 20, 2023 by:

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